

REMARKS/ARGUMENTS

**1.) Claim Amendments**

The Applicant has amended claims 1-2, 4-7 and 9-12; claims 13-15 have been added. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-15 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

**2.) Claim Rejections – 35 U.S.C. § 102(e)**

Claims 1-2, 6-12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Tuohino, et al. (US 2005/0259675). The Applicant respectfully traverses the Examiner's rejection and has amended the pending claims to more clearly and distinctly claim the subject matter which the Applicant considers as his invention. The Examiner's consideration of the amended claims is respectfully requested.

As disclosed in the filed application, the basic concept underlying a "push to talk over cellular (PoC)" or also known as Push-to-Talk is to allow one user to be almost instantaneously connected to another user, so that a user just has to press a call button and begin talking, with his or her voice being played out immediately on the other user's terminal. However, it was appreciated at an early stage in the development of push-to-talk services that this may not always be desirable, at least from the point of view of the called party. Accordingly, different answer modes were introduced to allow the called party to select whether the called party wishes to answer incoming push-to-talk call automatically or manually (via being alerted first and answering manually). The two different modes of answering are described in the present application as the auto-answer mode and manual answer mode. As a result, if the called party is in the auto-answer mode, incoming calls will be automatically answered and session established. Alternatively, in the event the called party is in the manual answer mode, an alert will first be provided allowing the called party to manually answer the call.

In accordance with the teachings of the present invention, there are however instances where the calling party may wish to alert the called party of a requested

connection (session) by overriding the auto-answer mode set by the called party. As disclosed in the filed application, it may be desirable when the calling party wishes his words to be private and wishes to alert the called party first before establishing a connection. Therefore, in accordance with the teachings of the present invention, a push-to-talk session invitation sent from a calling party to a called party includes a manual answer mode request requesting the called party to answer the incoming session in the manual answer mode. Upon receiving the session invitation at the called party, an alert is provided to the called terminal even if the called terminal is in the auto-answer mode thereby overriding the called terminal's auto-answer mode.

The Applicant respectfully submits that the cited reference simply fails to disclose or teach any push-to-talk session invitation being sent from the calling party to the called party wherein such invitation includes a manual answer mode request thereby overriding the called party's auto-answer mode and alerting the called party of the session invitation. The cited Tuohino reference only talks about letting the caller know that the called party is ringing when it is in the manual mode. This is because the prior art as described in Tuohino failed to hear anything until the called party has answered the call in the manual mode thereby causing the caller to think that there was a network problem. The Tuohino invention therefore introduced sending a ringing tone back to the caller when the called party was in the manual mode and being alerted.

Accordingly, the Tuohino reference fails to disclose or teach the present invention as claimed wherein a session invitation includes a manual mode request to force the called party to answer the incoming session in a manual mode even if the called party was already in the auto-answer mode. Applicant therefore respectfully submits that Independent Claims 1, 10, 11, and 12 are novel and non-obvious in view of the cited reference and a Notice of Allowance for these independent claims is earnestly requested. Claims 2-8, 13, and 14-15 depend from amended claims 1, 10, and 12, respectfully and recite further limitations in combination with the novel elements thereto. Therefore, the allowance of claims 1-15 is respectfully requested.

**3.) Claim Rejections – 35 U.S.C. § 103 (a)**

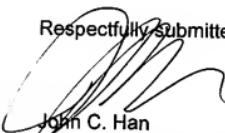
Claims 3-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tuohino, *et al.* (US 2005/0259675) in view of Black (US 2004/0057449). Black, independently or in combination with Tuohino, likewise fails to disclose or teach the present invention as claimed wherein a session invitation includes a manual mode request to force the called party to answer the incoming session in a manual mode even if the called party was already in the auto-answer mode. Furthermore, Claims 3-5 depend from amended claim 1 and recite further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claims 3-5 is respectfully requested.

**CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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